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**TITLE 6
CIVIL - PROBATE
SECTION I**

GENERAL PROCEDURE AND POLICY

**RULE 6.0101
PLEADINGS AND PAPERS**

A. Form

- I. Rule 201 of the Rules for the Superior Courts adopted by the Judicial Council shall apply to all probate filings.
2. All exhibits shall be typewritten or printed, or prepared by a photocopying or other duplication process that will produce clear and permanent copies equally legible to printing.

B. Caption of Petitions

- I. The caption of petitions must be all-inclusive as to the nature of the petition and relief sought so that the matter may be properly calendared and noticed and filing fees, if any, determined. LPS cases shall indicate "W&I" after the case number.
2. Attorneys are encouraged to use subheadings in the body of the petition, particularly for required allegations.
3. All petitions, applications, reports, or accounts being filed in probate proceedings, which are not prepared on the form approved and required by the Judicial Council of California, shall bear pertinent code citation(s) beneath the nature or title of the paper.
4. All documentation pertaining to a hearing shall be filed with the Clerk at least three (3) days before the hearing. Failure to comply with this rule will be cause for a continuance.
5. All pleadings and orders shall include in the caption the date, time and department of the matter heard or shall provide a space for the Clerk to insert this information.

- C. Proposed Orders
Proposed orders or judgments in proceedings scheduled on the regular probate calendar should be presented to the Clerk's Office upon the filing of the petition.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 3-16-91, effective 7-1-91; amended 4-4-92, effective 7-1-92; amended 4-28-06, effective 7-1-06)

RULE 6.0102
CONSOLIDATION WITH LOWEST NUMBER

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

RULE 6.0103
HEARINGS

A. General Probate.

1. To the extent practicable, probate matters which require a hearing will, upon being filed with the Court, be set by the Clerk for hearing within statutorily prescribed time periods. For a good cause shown, by oral or written application of petitioner, the Court may authorize the Clerk to assign an earlier hearing date.
2. Unless the will (and codicil or codicils, if applicable) shall have previously been deposited with the clerk for safekeeping, same shall be filed with the petition for probate unless a judge shall order otherwise.

B. Contested Matters.

1. Contested matters normally will not be heard on the daily calendar. Attorneys shall either (1) appear at the time scheduled for hearing, advise the Probate Judge of the contest, obtain a trial date from the Probate Judge; or (2) obtain a trial date from the Probate Judge in advance of the time scheduled for hearing.
2. As to will contests, trial and pre-trial rules of the Court, if any, shall apply. Counsel should inquire of the trial judge if any rules are applicable to that department.

C. Time Limits.

1. It is the practice of this Court to enforce Probate Code time limitations for the filing of inventory and appraisals, accountings, petitions for distribution and other required acts by the issuance of orders to show cause re suspension of powers and for imposition of monetary sanctions, as against either or both the attorney and the personal representative.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

RULE 6.0104
APPROVED MATTERS AND APPEARANCES

The Probate Examiner will ordinarily review the daily probate calendar approximately ten (10) days in advance of the date of hearing, and shall indicate thereon those matters which, procedurally and jurisdictionally, are either deficient or are recommended for approval by the Court. The examiners' notes are finalized three (3) court days before the scheduled hearing date.

Notes appearing on the calendar are for the Court's benefit in reaching its determination and decision. Counsel may be informed of and may rectify said deficiencies by filing appropriate verified supplements and/or amendments provided appropriate notices are given as required by statute or rule. Supplements and corrections not received by the examiner prior to the three (3) day finalization of notes will not be reflected in the notes reviewed by the Court, and such matters may be continued for further hearing to allow further examination and review. The Court, in its discretion, may consider such late-filed supplements/corrections..

The Probate Examiner will not ordinarily discuss said notes in detail nor advise counsel of the action to be taken, nor is the Clerk's Probate Section authorized to answer questions regarding probate notes. Counsel or their secretaries may call for Examiner's notes in advance of the hearing or may retrieve notes via the Court's Internet website. Each Court location may set its own hours for telephone availability of its examiners.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

**RULE 6.0105
CONTINUANCES**

- A. Generally: Prior to hearing on uncontested matters, Counsel (or moving party if self-represented) may request a continuance of at least three weeks by telephoning the Probate Clerk's Office. By making a telephonic request, Counsel represents to the court that he or she has notified the client of the request, and has notified other parties, counsel or other interested persons for whom counsel has reason to know may attend the hearing.

The Court will rule on the request at the time of hearing. Requested hearing dates will be considered at the hearing, but a different date may be set depending on the number of matters already set on Calendar.

If a party or client appears at the hearing, and represents that he or she was not notified of the Request, the Court may issue an Order to Show Cause why the requesting party should not be sanctioned for failing to notify the affected party/client of the requested continuance.

Requests to continue Orders to Show Cause and Requests to Continue matters for a period of less than three weeks must be made by Declaration and Order, stating good cause for the request.

Telephonic Requests will not be taken on contested matters and may be denied on Orders to Show Cause.

- B. Matters Not Approved. At the call of the calendar, if the matter is not ready for hearing, it will be continued for at least four (4) weeks, unless good cause is shown otherwise. Any matter continued two (2) times may be ordered off calendar or denied.
- C. Objections to Petition for Probate of Will. When a petition for probate of will is called for hearing and oral objection thereto is raised by a party who declares his intention to file a written contest, the Court normally will continue the hearing for a reasonable time with the understanding that if a contest is not on file at the new hearing date, the hearing will proceed.
- D. Objections to Approved Matters. At the call of the calendar and if petitioner is not present:
1. If objection or exception is taken to any matter on the approved list, the Court shall continue the matter to allow for the filing of written objections or exceptions and the giving of notice thereof to petitioner, or

2. If the Court proposes to make a change in the relief prayed for, the matter shall be continued and petitioner shall be notified of the continuance and proposed change by the Court Clerk.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-18-02, effective 1-1-03; amended 4-28-06, effective 7-1-06)

RULE 6.0106
HEMET SESSION

(Deleted 4-4-92, effective 7-1-92)

SECTION II

APPOINTMENT OF DECEDENT'S PERSONAL REPRESENTATIVE

RULE 6.0201 SPECIAL LETTERS

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

RULE 6.0202 PETITIONS FOR LETTERS

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; deleted 4-28-06, effective 7-1-06)

RULE 6.0203 NOTICE OF PETITION TO ADMINISTER

A. Probate of Will -- Correcting Notice

1. Where notice of petition to administer has been published pursuant to law, but the notice mailed is not legally sufficient, the matter may be continued to a date which permits statutory notice of the continued hearing to be mailed. Publication of the notice of petition to administer is proper if the Court makes a finding under Probate Code Section 8122.
2. Where notice of petition to administer has been properly prepared and mailed, but the publication of notice of petition to administer is not legally sufficient, the matter shall be continued so as to allow for proper publication and notice by mail need not be given of the continued hearing date.

B. Notice After Petitions Ordered Off Calendar. In the event the petition for probate or for letters is ordered off calendar and the matter is later reset for hearing, then in that event, a new notice of petition to administer thereon must be published and mailed.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 20-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; amended 4-28-06, effective 7-1-06)

RULE 6.0204
PROOF OF WILLS IN UNCONTESTED PROCEEDINGS

(Adopted 1-1-86;; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90
amended 4-4-92, effective 7-1-92; deleted 4-28-06, effective 7-1-06)

RULE 6.0205
PERSONAL REPRESENTATIVE'S BOND AND BLOCKED ACCOUNTS

(Adopted 1-1-86 amended 3-17-89, amended 10-21-89, effective 1-1-90; effective 7-1-89;
amended 4-4-92, effective 7-1-92; deleted 4-28-06, effective 7-1-06)

RULE 6.0206
FOREIGN AND LOST WILLS

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90;
amended 4-4-92, effective 7-1-92; deleted 4-28-06, effective 7-1-06)

SECTION III (RESERVED)

**SECTION IV
SMALL ESTATE PROCEEDINGS**

RULE 6.0401

PETITION TO DETERMINE SUCCESSION TO REAL PROPERTY

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90
deleted 4-28-06, effective 7-1-06)

RULE 6.0402

AFFIDAVIT RE REAL PROPERTY OF \$20,000.00 OR LESS

(Adopted 1-1-86; Amended 3-17-89, effective 7-1-89; correction pursuant to Probate Code
13200 (a)(5) effective 7-1-04; deleted 4-28-06, effective 7-1-06)

SECTION V (RESERVED)

SECTION VI

PROBATE REFEREES AND INVENTORIES

RULE 6.0601

PROBATE REFEREES

A. Appointment

1. The appointment of probate referees shall be on a rotational basis. No deviation in appointment rotation shall be authorized or permitted without prior written approval of the Court for good cause shown.

2. Whenever the appointment is not effected on the order for probate, the appointment of a probate referee may be accomplished by ex-parte application delivered to the Clerk's Office.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

RULE 6.0602

INVENTORY AND APPRAISAL

All inventory and appraisals of assets must be submitted in duplicate to the appointed referee for appraisal; and when completed and returned, filed with the Clerk in triplicate.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amend. 10-17-98, effective 1-1-99)

RULE 6.0603

KINDS OF INVENTORIES

- A. Complete Inventory. An inventory entitled "Inventory and Appraisal () Complete" will be deemed to be a full inventory of all the known assets of an estate, valued as of the date of death. All items specifically bequeathed (and in existence at the date of death) must be separately listed in the inventory.
- B. Partial Inventory. If the inventory and appraisal covers only a portion of the known assets of an estate, it shall be entitled "Inventory and Appraisal () Partial No..."
- C. Final Inventory. The final inventory and appraisal will be deemed to be the last of the partial inventories and shall be entitled "Inventory and Appraisal () Final."
- D. Supplemental Inventory. If property is newly discovered or received after the filing of what was thought to be a complete or final inventory and appraisal, it shall be entitled "Inventory and Appraisal () Supplemental."
- E. Amended/Corrected Inventory. If the inventory and appraisal is filed to correct an error in one previously filed, it shall be entitled "AMENDED/CORRECTED Inventory and Appraisal (proper block to be checked). "It should show the total inventory amount as amended. This may result in a change in the date-of-death valuation and may have an effect on the computation of death taxes, if any, and statutory compensation. The entire inventory and appraisal shall be restated, not just the items being changed or corrected. An amendment to an inventory shall not be filed.

- D. Reappraisal Inventory. A reappraisal of realty as of a current date for sale purposes shall be entitled "Inventory and Appraisal () Reappraisal for Sale. "Such reappraisal has no effect on date of death values. A reappraisal need not be signed by the personal representative.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

RULE 6.0604
BOND MODIFICATION

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

SECTION VII

MISCELLANEOUS PROBATE PETITIONS, NOTICES AND ORDERS

RULE 6.0701

APPLICATIONS FOR EX-PARTE ORDERS

- A. General. All ex-parte matters shall be submitted to the Probate Department.
- B. Special Notice. Petitions for ex-parte orders must contain an allegation that no special notice has been requested or that any such notice has been waived (stating the person requesting such notice); any such waivers must accompany the petition.
- C. Specifically Bequeathed Property. Petitions for sale of stock or personal property must allege whether the property is specifically bequeathed. If the property is so bequeathed, the consent of the beneficiary must accompany the petition.
- D. Applications for Ex-Parte Orders. All applications for ex-parte orders must be accompanied by a separate order complete in itself and shall be presented to the clerk. It is not sufficient for such an order to provide merely that the application has been granted, or that the sale of property as set forth in the petition has been approved. Since no testimony is taken in connection with ex-parte petitions, the petition must contain all facts essential for the granting of the prayer.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; amended 10-17-98, effective 1-1-99; amended 4-28-06, effective 7-1-06)

RULE 6.0702

PETITION FOR FAMILY ALLOWANCE

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

RULE 6.0703

PETITION FOR AUTHORITY TO OPERATE BUSINESS

The petition shall set forth sufficient facts for the Court to determine the advisability of the continuance of the business and the parties to whom notice of the hearing should be given. Ordinarily, the Court will require that at least fifteen (15) days notice of the hearing be

given to the five (5) largest creditors of the estate, in addition to the notice required under Probate Code Section 1220.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90;)

RULE 6.0704
AMENDED, AMENDMENT, AND SUPPLEMENTAL

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

RULE 6.0705
MISCELLANEOUS NOTICE PROVISIONS

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 4-17-99, effective 7-1-99; deleted 4-28-06, effective 7-1-06)

RULE 6.0706
MISCELLANEOUS PROVISIONS CONCERNING ORDERS

A. Material Required in Probate Orders.

1. All orders in probate matters must be complete in themselves in that they shall set forth all matters actually passed on by the Court, the relief granted, the names of persons and descriptions of property affected with the same particularity required of judgments in civil matters. Orders settling accounts must also contain a statement as to the balance of the estate on hand, specifically noting the amount of cash included in said balance.
2. It is the duty of the Court, upon distribution, to determine whether a valid trust has been created by a will, to determine the scope and terms of the trust, and to order distribution of the trust property to the trustee. Since the decree of distribution supersedes the will, the terms of the trust shall be incorporated in the decree in such manner as to give effect to the conditions existing at the time distribution is ordered.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amend. 10-17-98, effective 1-1-99; amended 4-28-06, effective 7-1-06)

**SECTION VIII
CREDITORS' CLAIMS**

**RULE 6.0801
FORM OF CLAIMS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

**RULE 6.0802
CLAIMS FILED WITH THE COURT**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

**RULE 6.0803
CLAIMS OF PERSONAL REPRESENTATIVE**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

**RULE 6.0804
PAYMENT OF INTEREST ON FUNERAL AND INTERMENT CLAIMS**

When accrued interest has been paid in connection with the delayed payment of claims for the reasonable costs of funeral expenses, a specific allegation must be made in the report accompanying the account in which credit for such payment has been taken setting forth the reasons for credit for payment of interest where the delay in payment of the claims is not justified by the facts set forth. Interest for funeral and interment claims will be allowed only as provided by Health and Safety Code Section 7101, and will be separately set forth.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89)

**SECTION IX
SALES**

**RULE 6.0901
REAL PROPERTY SALE**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

**RULE 6.0902
REAL PROPERTY SALE - APPRAISAL WITHIN ONE YEAR**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

**RULE 6.0903
REAL PROPERTY SALE - BROKER'S COMMISSION**

Where more than one broker is involved, petitioner shall indicate the manner in which the commission is to be allocated if agreed upon between the brokers. No commission shall be paid to a broker who is a buyer or related to the buyer within the 2nd degree.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 4-28-06, effective 7-1-06)

**RULE 6.0904
SALE OF SPECIFICALLY DEVISED PROPERTY**

Notice of time and place of hearing of the return of sale must be given to the specific devisee of the property if the sale is for abatement, otherwise his/her consent must be filed prior to hearing on the return.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90 amend. 10-17-98, effective 1-1-99)

**RULE 6.0905
WRITTEN OVERBIDS**

At the hearing on confirmation of sale at which an overbid is accepted, a written overbid is required to be filed with the Court by the successful bidder.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 4-28-06, effective 7-1-06)

RULE 6.0906

PERSONAL PROPERTY MUST BE APPRAISED BEFORE SALE

Sales of securities will not be approved under Probate Code 10200 et seq., sales of personal property under Probate Code 10250 et seq., unless the property has been appraised. A reappraisal for sale will be required if the personal property has not been appraised within one year prior to the date of the confirmation hearing, unless the court dispenses with such reappraisal. When necessary, a partial inventory and appraisal may be filed for this purpose.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

SECTION X
ACCOUNTS, FEES AND DISTRIBUTIONS

RULE 6.1001
REQUIRED FORM OF ACCOUNTS

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-22-94, effective 1-1-95; deleted 4-28-06, effective 7-1-06)

RULE 6.1002
WAIVERS OF ACCOUNT

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

RULE 6.1003
PERSONAL REPRESENTATIVES' VERIFICATIONS

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-22-94, effective 1-1-95; deleted 4-28-06, effective 7-1-06)

RULE 6.1004
COMPENSATION

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amend. 10-30-99; effective 1-1-00; deleted 4-28-06, effective 7-1-06)

RULE 6.1005
ALLEGATIONS RE CREDITORS' CLAIMS

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

RULE 6.1006

(DELETED 7-1-89)

**RULE 6.1007
TAXES**

- A. Payment. Petitions for final distribution should contain an allegation that all personal property, current income taxes and all federal and California estate taxes have been paid or that such estate taxes have been adequately secured to the satisfaction of the Internal Revenue Service.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

**RULE 6.1008
ASSETS TO BE LISTED**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

**RULE 6.1009
PRELIMINARY DISTRIBUTION BONDS**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

**RULE 6.1010
DUPLICATING AND TELEPHONE COSTS**

The Court may allow reimbursement for costs of duplication of documents, long distance telephone calls, postage charges and travel costs incurred by the attorney or estate representative and travel costs in extraordinary circumstances.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amend. 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92)

**RULE 6.1011
ALLEGATION RE CHARACTER OF PROPERTY**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

RULE 6.1012
COMPLIANCE WITH PROBATE CODE SECTION 9202

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amend. 10-17-98, effective 1-1-99; deleted 4-28-06, effective 7-1-06)

SECTION XI
GUARDIANSHIPS

RULE 6.1100
OUTSTANDING CUSTODY ORDERS

(Added 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; deleted 4-28-06, effective 7-1-06)

RULE 6.1101
RELATIVE AND NON-RELATIVE GUARDIANSHIPS OF THE PERSON AND/OR ESTATE

- A. Upon filing of the initial or successor petition for guardianship, the petitioner or the petitioner's attorney shall furnish to the Clerk, for transmittal to the designated agency, the following:
- a. A copy of the petition;
 - b. A completed questionnaire form;

Note: If there is more than one proposed guardian:

- 1. An Authorization for Release of Information form completed and signed by each proposed guardian;
- 2. A Social History and Personal Data form to be completed and signed by **each** proposed guardian;
- 3. In the case of a relative guardianship, a check or payment to the Executive Office for the investigation assessment. In the case of a non-relative guardianship, a check or payment to the Department of Public Social Services for the investigation assessment. Where Application and Order for Waiver of Court Fees and Costs has been filed in the proceeding, the assessment may be waived by the Court if the Court finds that all parties are indigent.

- B. The Court may waive an investigation and assessment where the petition is for the guardianship of the estate only, and the proposed guardian is a parent or where the petitioner is a corporate fiduciary.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-4-92, effective 7-1-92; amended 10-30-99; effective 1-1-00; amended 4-28-06, effective 7-1-06)

RULE 6.1102

JUVENILE GUARDIANSHIPS OF THE PERSON AND/OR ESTATE

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amend. 10-17-98, effective 1-1-99; deleted 4-28-06, effective 7-1-06)

RULE 6.1103

DUTIES OF GUARDIAN - LIABILITY OF PARENTS TO SUPPORT CHILD

As parents are required by statute to support their children, the Court will not permit guardianship funds to be used for the minor's maintenance where one or both parents are living, except upon a showing of the parents' financial inability or other circumstances which would justify the Court in departing from this rule in the best interests of the minor.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89)

RULE 6.1104

GUARDIAN'S ACCOUNTS

Where a guardian accounts for the assets of more than one minor, an accounting for each minor must be set forth separately.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

RULE 6.1105

ADDITIONAL POWERS

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

RULE 6.1106

ESTABLISHING CHILD SUPPORT ORDERS IN A GUARDIANSHIP CASE (PROBATE CODE SECTION 1500 ET. SEQ. AND FAMILY CODE SECTION 3950, 4000 AND 17400 ET. SEQ.)

When the Appointment of a Guardian is granted in a Probate proceeding and the Guardian seeks to establish child support orders, the Guardian shall petition the court by filing a Notice of Motion (Judicial Council Form 1285.10) or Order to Show Cause (Judicial Council Form 1285) in the existing Guardianship case. A hearing shall be scheduled in the family Law Department to address child support issues.

Upon review of the pleadings, the Family Law Court may direct the Department of Child Support Services (DCSS) to take the appropriate action pursuant to Family Code Section 17400 et. seq. to establish, collect and enforce child support obligations as it relates to the biological parents.

(Adopted 4-28-06, effective 7-1-06)

SECTION XII CONSERVATORSHIPS

RULE 6.1200 TEMPORARY CONSERVATORSHIPS

In addition to the notice required pursuant to Probate Code, Section 2250, all persons entitled to notice on the general petition shall be given at least twenty-four (24) hour, telephonic notice of the request for appointment of a temporary conservator.

(Added 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

RULE 6.1201 APPOINTMENT OF GENERAL CONSERVATORS

(Added 4-25-98, effective 7-1-98; amended 10-21-89, effective 1-1-90; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

RULE 6.1202 LIMITED CONSERVATORSHIPS

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

RULE 6.1203 CAPACITY TO GIVE INFORMED CONSENT FOR MEDICAL TREATMENT

- A. If a separate petition is filed concerning capacity of the conservatee to consent to medical treatment pursuant to Probate Code 1880, et seq., the petition must be filed in duplicate with a Riverside Superior Court form entitled "Order Appointing Probate Investigator" and "Probate Investigator's Referral Form" (even if previously filed), and shall contain a statement that there is on file a current Notification to Court of Current Address of conservatee.
- B. Termination of Life Support Treatment. Notwithstanding that the conservator has the authority to give medical consent for the conservatee, the conservator shall not withhold or terminate life support treatment without prior court authorization. Advice of a licensed physician as well as the consents of the immediate family members are required.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-17-98, effective 1-1-99)

RULE 6.1204
ADDITIONAL POWERS

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

RULE 6.1204.1
EMPLOYMENT OF CARE PROVIDERS

All payments made to care providers (relative or non-relative) for personal care to the conservatee must be authorized by the court prior to the rendition of services.

(Added 10-19-96, effective 1-1-97; amend. 10-17-98, effective 1-1-99)

RULE 6.1205
CONSERVATOR'S ACCOUNTS

- A. Copies to be Sent. At the time of filing the accounting, a Riverside Superior Court form entitled "Probate Investigator's Referral Form", and a conformed copy of the "Accounting" must be sent to the Probate Investigator's Office, and if an investigator has not been previously appointed, a completed Riverside Superior Court form entitled "Order Appointing Court Investigator" must be filed to obtain an investigator. A copy of the report, petition and account shall be mailed to counsel for the conservatee, or to conservatee personally if unrepresented, at least ten days before the hearing.
- B. Conservatee's Address. The conservatee's current residence address should be set forth in each report or account filed.

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 10-4-91, effective 1-1-92; amend. 10-22-94, effective 1-1-95; amend. 10-17-98, effective 1-1-99; amended 4-28-06, effective 7-1-06)

RULE 6.1206
NOTIFICATION OF ADDRESS

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

RULE 6.1207
TERMINATION OF PROCEEDINGS

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; deleted 4-28-06, effective 7-1-06)

**RULE 6.1208
INVENTORIES AND APPRAISALS**

Copies of all inventories and appraisals shall be served on any attorneys of record for any conservatee at the time of filing with the Clerk.

Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90; amended 4-28-06, effective 7-1-06)

**RULE 6.1209
LIMITED CONSERVATORSHIPS**

(Added 4-25-98, effective 7-1-98; deleted 4-28-06, effective 7-1-06)

**RULE 6.1210
APPOINTMENT OF COUNSEL WHEN PETITION SEEKS DEMENTIA POWERS**

Counsel shall be appointed to represent the proposed conservatee upon the filing of a petition for appointment of conservator seeking dementia powers.

(Adopted 4-28-06, effective 7-1-06)

**RULE 6.1211
FINDINGS REQUIRED REGARDING PAYMENT OF ATTORNEY FEES TO COURT
APPOINTED COUNSEL**

One of the following findings shall be made in conservatorship matters where counsel has been appointed:

The conservatee, proposed conservatee, limited conservatee, proposed limited conservatee, or person alleged to lack legal capacity is:

- Able to pay court-appointed counsel's attorney fees.
- Unable to pay court-appointed counsel's attorney fees.
- Able to pay a portion of the sum in the amount of \$_____.
- The court presently lacks sufficient information to determine whether the conservatee, proposed conservatee, proposed limited conservatee, or person alleged to lack legal capacity, or the conservator of such person's estate has

sufficient funds to pay all or a portion of the attorney's fees. Therefore, the court orders the County of Riverside to pay attorney an amount to be determined upon submission of the payment voucher.

Note: If this finding is made, the court shall reconsider the ability to pay all or a portion of the attorney's fees paid by the County of Riverside at the time of the hearing on the First Accounting, and the probate examiner(s) shall make a note regarding same.

Should the court determine that there is an ability to pay, an order shall be made that the County of Riverside be reimbursed, from the estate, for attorney's fees advanced, payable to the County of Riverside.

(Adopted 4-28-06, effective 7-1-06)

SECTION XIII [(RESERVED)]

**SECTION XIV
MISCELLANEOUS**

**RULE 6.1401
WITHDRAWAL OF ATTORNEYS OF RECORD**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 4-4-92, effective 7-1-92;
deleted 4-28-06, effective 7-1-06)

**RULE 6.1402
FEES OR COMMISSIONS TAKEN IN ADVANCE**

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; deleted 4-28-06, effective 7-1-06)

RULE 6.1403

(DELETED 7-1-89)

RULE 6.1404

(DELETED 1-1-90)

SECTION XV
OTHER PROTECTIVE PROCEEDINGS -- MINORS AND CONSERVATEES

RULE 6.1501

(DELETED 7-1-89)

RULE 6.1502

PROCEEDING UNDER PROBATE CODE SECTION 3411

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90;
deleted 4-28-06, effective 7-1-06)

RULE 6.1503

REQUESTS FOR WITHDRAWAL OF IMPOUNDED FUNDS

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90;
deleted 4-28-06, effective 7-1-06; deleted 4-28-06, effective 7-1-06)

RULE 6.1504

AUTHORIZATION OF MEDICAL TREATMENT FOR ADULT WITHOUT CONSERVATOR

(Adopted 1-1-86; amended 3-17-89, effective 7-1-89; amended 10-21-89, effective 1-1-90;
deleted 4-28-06, effective 7-1-06)